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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,406	08/01/2003	Malcom E. Gosdin	071447-021	6069
29391	7590	02/14/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			TRIEU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,406

Applicant(s)

GOSDIN ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-6, 8, 13, 15, 17, 18, 20 and 22-33 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kelly et al** [US 6,654,689].

Regarding claim 1, the claimed method for disseminating weather information to a mobile vehicle comprising: collecting weather data (the main computer system 12 and/or the user's computer 16 receives weather information from variety of sources such as NEXRAD weather radar information 30, radar data 32, National weather service 33, satellite imagery 34, lightening strike data 35 and remote weather sensors 36, see Fig. 1 col. 6, lines 24-67, col. 7, lines 1-8 and 53-67 and col. 8, lines 1-26); and forming weather products based on the weather data (the main computer 12 is programmed to perform various functions to provide personalized storm warnings to users including a storm tracking generator function, a user profile generator function and a personalized storm warning function, see col. 7, lines 37-67. The user's computer 16 may be prompted to establish a storm profile, which defines the characteristics of the storms for which the user desires a personalized storm warning to be provided via the user profile set-up menu user interface 42, see Fig. 1, col. 9, lines 47-67 and col. 10, lines 1-65);

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and the transmitting the weather products during the broadcast of a commercial RF signal from a plurality of commercial broadcast stations (the main computer 12 and/or the user's computer 16 transmits tracking storm or profile storm data over the internet network 14, pager/phone 18, cellular telephone 18, data broadcasting system 16, WEB TV terminal, digital television and/or radio station news, see Fig. 1, col. 4, lines 11-56, col. 6, lines 31-67, col. 7, lines 1-8 and col. 9, lines 9-30).

Regarding claim 3, all the claimed subject matters are cited in respect to claim 1 above, and including the modulating a sub-carrier authorization signal of an FM radio broadcast signal with the weather products, which reads upon the radio broadcast television.

Regarding claim 4, all the claimed subject matters are cited in respect to claim 1 above, and including the satellite imagery 34, see col. 10, lines 29-30.

Regarding claim 5, all the claimed subject matters are cited in respect to claim 1 above, and including the products selected from text-based information, image-based information and weather alerts, see Figs. 1-3, col. 9, lines 2-67 and col. 10, lines 1-55.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 1 above, and including weather information for the geographical area proximate the broadcast station, see col. 9, lines 31-46.

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Regarding claim 8, all the claimed subject matters are cited in respect to claim 7 above, and including the data storage (the geographic location database 24, the user profile database 26 and storm track database 28, see Fig. 1; and the real time map display of weather products (the tracking storm is displayed on the computer terminal including details of the storm with geographic location in real time, see col. 9, lines 31-67 and col. 10, lines 1-55).

Regarding claim 13, all the claimed subject matters are cited in respect to claim 1 above, and including the service packs (the storm cells 68, see Fig. 4, col. 12, lines 23-44).

Regarding claim 15, all the claimed subject matters are cited in respect to claim 1 above, and including the web browser, see col. 5, lines 48-51, col. 8, lines 64-67 and col. 9, lines 1-1-30.

Regarding claim 17, all the claimed subject matters are cited in respect to claim 1 above, and including the cellular telephone communication system 18, see Fig. 1, col. 9, lines 15-20.

Regarding claim 18, all the claimed subject matters are cited in respect to claim 17 above, and including the cellular telephone 18, see Fig. 1, col. 9, lines 13-20.

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Regarding claim 20, all the claimed subject matters are cited in respect to claims 5 and 17 above.

Regarding claim 22, all the claimed limitations of the apparatus claim are met by the method claim 1 above.

Regarding claim 23, all the claimed subject matters are cited in respect to claims 6 and 22 above.

Regarding claim 24, all the claimed subject matters are cited in respect to claims 7 and 22 above.

Regarding claim 25, all the claimed subject matters are cited in respect to claims 15 and 22 above.

Regarding claim 26, all the claimed subject matters are cited in respect to claim 25 above.

Regarding claim 27, all the claimed subject matters are cited in respect to claim 25 above.

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Regarding claim 28, all the claimed subject matters are cited in respect to claim 22 above, and including the display a geographic map in conjunction with the displayed weather product (the handheld wireless computer 16, Web TV terminal, digital TV system 22 for displaying geographic location of a storm as part of a television or radio station news and including advertisements, see col. 4, lines 52-56 col. 6, lines 63-67 and col. 9, lines 2-8, see col. 6, lines 38-50).

Regarding claim 29, all the claimed subject matters are cited in respect to claims 1 and 22 above.

Regarding claim 30, all the claimed subject matters are cited in respect to claim 22 above.

Regarding claim 31, all the claimed subject matters are cited in respect to claim 22 above, and including the portable computer 16, a personal digital assistance such as the cellular telephone 18 and a portable communication device such as the pager 18, see Fig. 1.

Regarding claim 32, all the claimed subject matters are cited in respect to claim 31 above.

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Regarding claim 33, all the claimed subject matters are cited in respect to claims 1 and 18 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelly et al** [US 6,654,689] in view of **Harrison et al** [US 6,209,132].

Regarding claim 2, **Kelly et al** fails to disclose the modulating TV broadcast signal with the weather products during a vertical blanking interval of the TV broadcast signal.

However, **Kelly et al** teaches that the weather warnings are broadcast over the cable television lines or radio links 22, see col. 6, lines 63-67. **Harrison et al** suggests that an

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electronic mass media provider delivers a one-way or two-way stream of electronic data 10 including live or pre-recorded information that is created by broadcasting and entertainment industries for the purpose of delivery to consumers over broadcast TV 35 and radio. The broadcast TV encoder 26 breaks the serialized digital information up into a series of packets, and modulates the packets into the vertical blanking interval VBI of the video signal, see Figs. 2 and 5, col. 2, lines 47-55, col. 3, lines 46-63 and col. 5, lines 59-66. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the TV broadcast with VBI of **Harrison et al** for the TV broadcast system of **Kelly et al** since the TV broadcast system is broadcasting digital signal and the VBI increases a higher number of data messages into packets for being received by the consumers or residents.

3. Claims 7, 14, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelly et al** [US 6,654,689] in view of **Foust** [US 6,240,369]. Regarding claim 7, **Kelly et al** fails to disclose the displayed within the mobile vehicle in conjunction with a map of the geographic area to which the weather products pertain. However, **Kelly et al** teaches that the handheld wireless computer 16, Web TV terminal, digital TV system 22 for displaying geographic location of a storm as part of a television or radio station news and including advertisements, see col. 4, lines 52-56 col. 6, lines 63-67 and col. 9, lines 2-8, see col. 6, lines 38-50. **Foust** suggests that a system for distributing weather information associated with a geographic location within an area of interest including a fixed location of user terminal 18 and/or mobile within a vehicle to

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user terminal 22, see Fig. 1, col. 1, lines 55-60, col. 3, lines 52-67, col. 4, lines 1-3, col. 5, lines 45-67 and col. 8, lines 19-27. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the user terminal on mobile vehicle of **Foust** for the handheld computer of **Kelly et al** since the handheld computer is portable can be used or placed in the mobile vehicle for receiving all weather information and personal communications while traveling along the road.

Regarding claim 14, all the claimed subject matters are discussed between **Kelly et al** and **Foust** in respect to claims 7 and 13 above.

Regarding claim 16, all the claimed subject matters are discussed between **Kelly et al** and **Foust** in respect to claims 7 and 15 above.

Regarding claim 21, all the claimed subject matters are discussed between **Kelly et al** and **Foust** in respect to claims 7 and 17 above.

4. Claims 9-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelly et al** [US 6,654,689] in view of **Baron et al** [US 6,275,774].

Regarding claim 9, **Kelly et al** fails to disclose the step of transmitting the weather products comprises modulating the commercial RF signal with the data bit stream.

However, **Kelly et al** teaches that the weather warnings are broadcast of tracking storm over the cable television lines or radio links 22 as part of a television or radio station

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news and including advertisements, see col. 4, lines 52-56 col. 6, lines 63-67 and col. 9, lines 2-8. **Baron et al** suggests that a system 10 for real time sites specific weather information comprising a computer weather alert manager 12 to produce a storm profile for the storms within the geographic area. The storm profile is broadcasted or transmitted as a serial bit stream to the remote unit 16, see Fig. 1, col. 2, lines 49-67, col. 3, lines 1-16 and col. 7, lines 53-55. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the broadcast weather data bit stream of **Baron et al** for the broadcast storm profile of **Kelly et al** since the details of storm are arranged in packet for transmitting to a particular remote user, subscribers and/or residential or office that locates within the storm geographic area.

Regarding claim 10, all the claimed subject matters are discussed between **Kelly et al** and **Baron et al** in respect to claim 9 above.

Regarding claim 11, all the claimed subject matters are discussed between **Kelly et al** and **Baron et al** in respect to claim 10 above.

Regarding claim 12, all the claimed subject matters are discussed between **Kelly et al** and **Baron et al** in respect to claim 11 above.

Regarding claim 19, all the claimed subject matters are discussed between **Kelly et al** and **Baron et al** in respect to claim 18 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marrah et al discloses a mobile weather band radio and method of tuning the radio to select a signal channel based on geographic position. [US 6,728,522]

Jones et al discloses a system for providing real-time site specific weather information including a plurality of remote sensing units. The system distributes weather information to a plurality of remote system such as TV, EMR for displaying of weather information. [US 6,542,825]

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.



Van Trieu
Primary Examiner
Date: 2/8/05